

STATEMENT OF PURPOSE

RS19566

Idaho Code Section 12-117 does not permit an award of costs and attorney fees to prevailing parties in court cases between governmental entities. Instead, it only allows an award of costs and attorney fees between a state agency, a city, a county, or other taxing district and a private person, which includes individuals, partnerships, corporations and associations. Under the statute, such awards are only made if the non-prevailing party has pursued or defended the case without a basis in fact or law.

During the past 8 years, there have been numerous lawsuits filed between governmental entities that have been pursued without a basis in fact or law. Under the existing standard, this bill will allow a governmental entity that is sued by another governmental entity to recover costs and attorney fees, which will create a disincentive for lawsuits between governmental entities.

FISCAL NOTE

There will be no change in fiscal impact to the General Fund.

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